FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.5634 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr.P.D.Dalvi for the petitioner.

Mr.R.G.Ketkar for the respondent

Coram : R.S.Mohite,J

Date : 25.11.2005.

PC

1. This is a petition impugning an order passed by the Ist Adhoc Additional District Judge, Kolhapur on 13.6.2005 below Exh.27 in R.C.A.No.159 of 2002. By the impugned order the appellate Court has rejected the application filed by the original defendant for amending his written statement. The appeal was filed in the year 2002 and the application has been made on 25.1.2005. There

is no reason given for the delay of 3 years in filing of the application even after the appeal was filed. In any case, the application mentions that written statement was not amended due to over sight. This implies lack of deligence. The provisions of Order 6 Rule 17 have been made more stringent and it is only after the Court comes to the conclusion that the party could not have raised the matter inspite of due diligence before the commencement of trial that an amendment shall be allowed after the trial has commenced. In my view not a fit case to interfere in writ jurisdiction under Article 227 of the Constitution of India. Rejected.

(R.S.Mohite,J)